



## Seo Law Group, PLLC

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October 28, 2022

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### **VIA ECF**

Hon. Judge J. Paul Oetken  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: Rivera, et al. v. 787 Coffee LLC, et al.**

Case No. 1:22-cv-01596

Dear Judge Oetken:

This office represents Defendants in the above referenced matter. I write this letter motion to request an extension of time for the completion of discovery. Currently, the deadline for the completion of discovery is to be October 31, 2022.

As a preliminary matter, this is the third request for an extension of discovery deadlines and Defendants' counsel read your Honor's Order entered on September 20, 2022, in which the Court granted the parties' fact discovery to be completed by October 31, 2022 and file a joint status letter by November 7, 2022. (Dkt. No. 28).

One of the enumerated purposes of extending the discovery deadline was to allow the Plaintiffs sufficient time to respond to Defendants' document requests and interrogatories directed to all of the Plaintiffs. Since the extension of the discovery deadline, on September 20, 2022, my office received Plaintiffs Matt Rosenbaum, Sheridan Plunkett, and Travis Reilly's interrogatory responses only. Although Plaintiff Michele Signorile-Martino's deposition is supposed to held on October 31, 2022, he served his interrogatory responses without providing any responses to approximately 17 interrogatory requests (except for raising bare objections) at 4:23pm today, October 28, 2022. To date, none of other Plaintiffs have provided any verified interrogatory responses nor did they supplement their responses to Defendants' document requests that Defendants specified in their deficiency letter served on September 29, 2022.

Another of the enumerated reasons for the extension of the discovery deadline is to allow Defendants' counsel to depose the individual Plaintiffs. Given that the majority of the Plaintiffs have failed to respond to Defendants' discovery requests, Defendants would have been prejudiced in their attempt to depose these individuals and this may have resulted in the need to continue their



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depositions once the discovery responses are received, if they are received at all. Because Plaintiffs have failed to respond to Defendants' discovery requests in compliance with Fed. R. Civ. P. 33 and 34, Defendants will be forced seek an order compelling their responses.

To date, Defendants' counsel made numerous efforts to meet and confer with Plaintiffs' counsel via telephone calls and emails. On or about October 19, 2022, Defendants' counsel contacted the Plaintiffs' counsel, for the last time (in addition to October 17, 2022 and October 13, 2022 telephone calls, and other previous efforts made via telephone calls and emails), to follow up with Plaintiffs' supplemental discovery responses and asked that Plaintiffs serve their supplemental responses prior to their deposition dates. Plaintiff Rosenbaum served his verified interrogatory responses (only) on October 20, 2022 – one day prior to his deposition; Plaintiff Sheridan Plunkett served her verified interrogatory responses (only) on October 24, 2022 – on the same day *after* her deposition; Plaintiff Reilly served his interrogatory responses (only) on October 24, 2022 – two days prior to his deposition<sup>1</sup>; and Plaintiff Signorile-Martino served his responses stating blanket objections to 17 interrogatory responses on October 28, 2022 despite that his deposition is supposed to be conducted on October 31, 2022. None of the other Plaintiffs have provided any responses to date.

When Defendants' counsel attempted to meet and confer telephonically with Plaintiff's counsel, Plaintiffs' counsel agreed to supplement Plaintiffs' discovery request and serve responses to Defendants' deficiency letter served on September 29, 2022. Even without receiving any request from Plaintiffs' counsel, Defendants' counsel voluntarily granted multiple extensions to allow Plaintiffs sufficient time to supplement their discovery responses, but her attempts to meaningfully meet and confer have failed. Furthermore, Defendants are uncertain whether and when Plaintiffs Isis Gamble and Maya Keating will be available to participate in their depositions.

As such, Defendants' counsel respectfully requests this Court to arrange an informal conference to resolve the dispute. Defendants' counsel is aware that Plaintiffs' counsel filed a *unilateral* letter motion on October 28, 2022 at 7:05 pm to extend the discovery deadline until November 30, 2022. However, Defendants' counsel is not confident whether the parties will be able to "complete" discovery by that time absent the Court's involvement at this point.

In the alternative, the Court extend the discovery deadline *sine die* until such time that all Plaintiffs complete their discovery responses and provide their available dates for depositions so

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<sup>1</sup> During Plaintiff Reilly's deposition conducted on October 26, 2022, he testified that he has "paystub" in his possession but has not been produced to Defendants to date nor did he serve his supplemental response to the document demand.

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that the parties can prevent further delay of this case, e.g., having to continue their depositions once their discovery responses are received.

We appreciate the Court's time and attention in this matter.

Respectfully Submitted,

Seo Law Group, PLLC

By: /s/ Diana Seo

Diana Y. Seo, Esq.

*Attorneys for Defendants*

cc: All counsel of record (via ECF)